Page (1)

Single Bench (4)

11/1 on

IN THE HIGH COURT OF CHHATTISGAR AT BILASPUR

Writ Petition No. 4817 **/2004**

PETITIONER : Pyarelal Satnami,
S/o Shri Ramlal
Bharadwaj,
aged about 26 years,
[Toll Tax Contractor]
R/O Hasod, P.S.H.:Hasod,
Tahsil: Jaijaipur,
District: Janjgir-Champa
{Chhattisgarh}

4365/04 10.12.04 Shri Bajpai

C.D. No. ... Presented by Shri ... dated ...

Versus

RESPONDENTS :

1. State of Chhattisgarh,
through the Principal
Secretary, Department of
P.W.D., DKS Bhawan,
Mantralaya, Govt.of C.G.
Raipur {Chhattisgarh}.

2. Executive Engineer,
P.W.D., Champa Dn.,
Champa, Distt.:Janjgir-
Champa {Chhattisgarh}

10.12.04

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP 4817/04 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	31.03.2005 Shri Ashok Verma, Adv. for the petitioner. Shri P.S. Koshy, Dy.A.G., for respondents No. 1 and 2. Application for urgent hearing is allowed. Heard. Learned counsel for the petitioner submits that the petition has been filed on the ground that the petitioner was given contract for collection of toll tax over Son River Bridge situated in Jaijaipur Hasod Road for the period 1/4/2005 to 31/3/2005 (Annexure-P/1). The document Annexure-P/1 contains the list for which the taxes would not be collected. It is submitted that the agreement was entered into and pursuant to the agreement the petitioner was collecting the toll tax and was paying the amount. It is stated that vide Annexure-P/6 dated 11/11/2004 an order was served by which it was directed that the toll tax need not be collected from the tractors. Learned counsel for the petitioner contended that earlier when the contract was taken for such collection, it was specified that the tractors were not totally exempted. It is further contended that only certain clauses regarding exemption were mentioned in the agreement and now the tractors are totally exempted and the petitioner could not collect the toll tax from the tractors and because of that he had sustained loss. The prayer is made for quashing the order dated 11/11/2004 (Annexure-P/6). Return has not been filed. Today is the last day of the contract. Learned counsel for the petitioner submits that because of the order Annexure-P/6 he could not recover the amount. It is submitted that the petitioner has sustained the loss on one hand by not collecting the tax and on the other hand he has to pay the entire amount.	

GRPK. -50,000.

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP 4817/04 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

Both the counsel pointed out that there is an arbitration clause and condition no.20 is there in the agreement dated 31/3/2004, which stipulates that in case any dispute arises regarding the responsibility, the same will be decided by the Superintending Engineer and the decision taken by him will be final.

Having considered the facts and circumstances of the case and material on record, in the opinion of this Court, ends of justice will be served if a direction is given to the petitioner to submit a detailed statement of fact showing the loss which has been sustained before the Superintending Engineer concerned, which shall be decided by him by a speaking order after giving the opportunity of hearing to the petitioner. The Superintending Engineer shall also see how the petitioner can be compensated.

It is made clear that in case any grievance still remains, the petitioner may avail the remedy available under the law including the filing of writ petition.

With the aforesaid observations, this petition stands disposed of at this stage.

Consequently, M.W.P. No.5092/04, I.A. Nos.750/05 and 751/05 also stand disposed of.

Sd/-
Fakhruddin
Judge

GRPRJ—FS/350—12/2000—50,000.